

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

DYSON, INC.,)
)
Plaintiff,)
v.) C.A. No. 08-771 (GMS)
)
BISSELL HOMECARE, INC.,)
)
Defendant.)

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE PURSUANT
TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii)**

WHEREAS, on October 14, 2008, Dyson, Inc. (“Dyson”) filed this action for a declaratory judgment of non-infringement and invalidity because, among other reasons, it believed this action was related to prior litigation before this Court;

WHEREAS, on January 8, 2009, Bissell Homecare, Inc. (“BISSELL”) filed an amended complaint in the United States District Court for the Western District of Michigan (the “Michigan Action”) to join infringement claims against Dyson to claims already pending in that court against an unrelated party, and simultaneously moved to dismiss this action in favor of the Michigan Action;

WHEREAS, Dyson has moved to, *inter alia*, sever BISSELL’s claims against it in the Michigan Action and to transfer the severed claims to this Court;

WHEREAS, to simplify the proceedings, BISSELL and Dyson have reached a compromise on the pending motions, in which BISSELL will agree to severance of its claims against Dyson in the Michigan Action and Dyson will agree to dismiss this action without prejudice and proceed in the Western District of Michigan,

NOW THEREFORE, Dyson and BISSELL, through their undersigned counsel, hereby stipulate and agree pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) that this action is dismissed without prejudice, subject to the approval of the Court.

YOUNG CONAWAY STARGATT
& TAYLOR, LLP

CONNOLLY BOVE LODGE & HUTZ LLP
TAYLOR, LLP

/s/ Megan C. Haney

John W. Shaw (No. 3362)
Megan C. Haney (No. 5016)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, Delaware 19899-0391
(302) 571-6600
jshaw@ycst.com
Attorneys for Plaintiff Dyson, Inc.

/s/ Francis DiGiovanni

Francis DiGiovanni (No. 3189)
The Nemours Building
1007 Orange Street
Wilmington, Delaware 19899
(302) 658-9141
fdigiovanni@cblh.com
*Attorneys for Defendant Bissell
Homecare, Inc.*

SO ORDERED, this _____ day of _____, 2009.

United States District Judge